

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

ARIEL LEGASSA,

Defendant.

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Criminal No. 1:22-cr-10038-IT-1

AMENDED PRETRIAL ORDER

The court having granted Defendant's Motion to Continue Trial [Doc. No. 68], see Elec. Order [Doc. No 76], it is hereby ORDERED that:

A final pretrial conference shall be held on October 10, 2023, at 2:30 p.m. Trial shall commence on October 16, 2023, at 9:00 a.m.

I. Government Disclosures: The government shall by September 25, 2023:

- A. Exculpatory Information:** Disclose to the defendant the exculpatory information identified in Local Rule 116.2 that has not been previously produced;
- B. Prior Bad Acts Evidence:** Disclose to the defendant a general description (including the approximate date, time, and place) of any crime, wrong, or act the government proposes to offer pursuant to Fed. R. Evid. 404(b);
- C. Witnesses:** Absent written objection, provide the defendant with the names and addresses of witnesses the government intends to call at trial in its case-in-chief. If the government subsequently forms an intent to call any other witness, the government shall promptly notify the defendant of the name and address of that prospective witness;
- D. Witness Statements:** Produce statements (as defined in 18 U.S.C. § 3500(e) and Fed. R. Crim. P. 26.2(f)) of witnesses it intends to call in its case-in-chief;
- E. Exhibits:** Absent written objection, provide the defendant with copies of the exhibits and a premarked list of exhibits the government intends to offer in its case-in-chief. If the government subsequently decides to offer any additional

exhibit in its case-in-chief, the government shall promptly provide the defendant with a copy of the exhibit and a supplemental exhibit list.

II. Initial Pretrial Filings

A. Motions in Limine: The parties shall by September 25, 2023, file any motions in limine with supporting memoranda.

1. **Oppositions:** Responses to any motion in limine shall be filed by October 2, 2023.

B. Voir Dire Questions and Jury Instructions: The parties shall by September 25, 2023, file proposed voir dire questions and proposed jury instructions.

1. **Oppositions:** The parties shall by October 2, 2023, file any objections to the other party's proposed voir dire questions and jury instructions. Objections should include citations to authority where appropriate. If the objections include proposed modifications of the voir dire questions or jury instructions, such proposed modifications shall be presented using underlining (for proposed additions) and strike-out (for proposed deletions). Parties shall also provide the clerk, by email or disc, modifiable Microsoft Word copies of this submission.

III. Defendant's Disclosures: The defendant shall by October 2, 2023:

A. Witnesses: Absent written objection, provide the government with the names and addresses of the witnesses the defendant intends to call in his case-in-chief. If the defendant subsequently forms an intent to call any other witness in his case-in-chief, he shall promptly notify the government of the name and address of that witness;

B. Witness Statements: Absent written objection, produce statements (as defined in 18 U.S.C. § 3500(e) and Fed. R. Crim. P. 26.2(f)) of witnesses he intends to call in his case-in-chief;

C. Exhibits: Absent written objection, provide the government with copies of the exhibits and a premarked list of the exhibits the defendant intends to offer in his case-in-chief. If the defendant subsequently decides to offer any additional exhibits in his case-in-chief, he shall promptly provide the government with a copy of the exhibit and a supplemental exhibit list.

IV. Final Pre-Trial Filings: The parties shall by October 2, 2023:

- A. **Stipulated Facts**: File a written stipulation of any facts that they agree are not in dispute;
- B. **Exhibits**: File a joint exhibit list of all exhibits that a party may offer at trial, identified and marked by a single sequence of numbers, regardless of which party is the proponent of an exhibit, with gaps as necessary to reflect any documents the parties no longer may offer at trial, and including notation as to those items the party expects to offer and those it may offer if the need arises, and noting as to each document whether the opposing party: (1) objects to the document; (2) may object to the document and reserves its position on the issue at this time; or (3) has no objection to the document. The list shall be filed in the form of the chart in attached Appendix A, with notations regarding objections set forth in column 5, and columns 6 and 7 and 8 left blank;
- C. **Witnesses**: File a list of all witnesses they may call at trial to be read to the jury during voir dire;
- D. **Trial Brief**: File a trial brief addressing any and all foreseeable disputes concerning issues of law;
- E. **Courtesy Copies**: Provide the court with a disc containing courtesy copies of all exhibits, numbered according to the single sequence agreed on by the parties. The exhibits shall be pre-marked with exhibit stickers containing the numbering set forth in the joint list of all exhibits, and should have extraneous prior exhibit numbers, exhibit stickers, or other numbering removed.

NOTE: IF THE COURT RESCHEDULES THE TRIAL, ALL SUBMISSION DATES IN THIS ORDER REMAIN IN EFFECT UNLESS COUNSEL FILE A MOTION SEEKING LEAVE OF COURT TO MODIFY THEM TO SPECIFICALLY DESIGNATED DATES.

Date: February 23, 2023

/s/ Indira Talwani
United States District Judge

APPENDIX A

(leave columns 6-8 blank)

USE THIS FORMAT FOR PREPARATION OF THE EXHIBIT LIST:

1	2	3	4	5	6	7	8
Exhibit Number for Identification	Briefly Describe	Party Offering Exhibit	Does party expect to offer exhibit or may offer if need arises?	Does opposing side object, reserve, or have no objection?			

SAMPLE EXHIBIT LIST

1	2	3	4	5	6	7	8
Exhibit Number for Identification	Briefly Describe	Party Offering Exhibit	Does party expect to offer exhibit or may offer if need arises?	Does opposing side object, reserve, or have no objection?			
1	Hospital record 1/2/2013	Pl.	Offer	No objection			
2	Photo of accident scene	Def.	Offer	Reserved until trial			
3	Police report	Pl.	May offer	Objection			